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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,428	06/05/2001	Toshio Tokunaga	Q62667	5145

7590 11/06/2002

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

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DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,428

Applicant(s)

TOKUNAGA, TOSHIO

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase "segments enlarging a size in a radial direction" is somewhat awkward and confusing. It would be clearer if for example this were changed to --segments adapted to be enlarged in the radial direction--.

In claim 3, no antecedent basis has been established for "the slant face of the inner piston" – either this claim should depend from claim 2 or "the slant face" should be –a slant face--.

In claim 5, reference is made to a clearance relative to an apparently unclaimed element (i.e. the green tire), this rendering the claim indefinite. It seems that this should be recast in terms of a capability of the apparatus (e.g. change "having" to --adapted to have--).

In claim 8, no antecedent has been established for "the gas space" or "the gas path" – it seems this claim should depend from claim 7.

Likewise, in claim 9, no antecedent has been established for "the gas space".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyanaga et al. (US 5,223,074).

Miyanaga et al. discloses a tire building apparatus including a pair of pistons (10, 11) housed within cylinder (9) as well as means to introduce pressurized gas to each, these pistons being adapted to radially expand bead locking segments. Further, if the piston (10) is termed the "inner piston" (this not being an unreasonable reading of the reference insofar as the operative cam surface (38) for this piston is located *inward from* the operative surface (42) for the piston (11) – e.g. note fig. 3) and the piston (11) termed the "outer piston," then the apparatus described in the patent is considered to define an apparatus capable of operation as claimed. In particular, note that the piston (11) moves axially inward and through engagement with what is considered a back surface (39b) of piston (10), it moves the "inner" piston 10 axially inward with it (e.g. note col. 7, lines 10-14 and col. 8, lines 1-3). Then the outer piston (11) engages a stop in the form of the flange wall (16) while the inner piston (10) moves further axially inwardly – note col. 8, lines 18-29. As to the dependent claims, a slant face as well as elastic means (8), two strokes of operation and what is considered to be a capability of expanding to the degree of claim 5 are considered readily apparent.

4. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyanaga et al. (US 5,223,074).

Insofar as separate application of the fluid to the two pistons is clearly contemplated, it is not considered unobvious to provide a capability to supply different gas pressures – note also col. 8, lines 6-10 where it would seem that controlled and perhaps different pressures are contemplated or obvious. Likewise, use of appropriate

valves, etc. to adequately control/supply the gas would have been obvious absent some showing of unexpected or unobvious results.

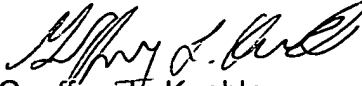
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Felten (US 3,816,218) and Felten et al. (US 4,239,579) disclose tire building drums including pairs of pistons but not configured as claimed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
October 29, 2002